HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.510 OF 2007

Between:

A.P.Bhoodan Yagna Board,
represented by its Secretary,
Hyderabad. . . .Appellant

AND

Gaddam Narasimha and others.
. . .Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri Sriharsha Reddy
for Shri S.Niranjan Reddy

Counsel for respondent Nos.1 to 5 : Shri A.Abhisek Reddy
for Shri A.Pulla Reddy

Counsel for respondent Nos.6 and 7 : Government Pleader
for Revenue

19th June, 2007

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Per G.S.SINGHVI, CJ

This appeal by A.P. Boodan Yagna Board (for short, 'the Board') is directed against order dated 17.11.2006 passed by the learned Single Judge in WPMP No.21753 of 2006 whereby he dismissed the application filed by the appellant under Rule 16-A of the Writ Rules for its impleadment as party to the proceedings of the writ petition filed by respondent Nos.1 to 5 for quashing order dated 22.12.2001 passed by Joint Collector, Ranga Reddy District and for issue of a mandamus to the Special Grade Deputy Collector and Revenue Divisional Officer, Ranga Reddy, East Division to dispose of Case No.J/505/2004 pending before him.

In paragraphs 2 to 5, 9 and 10 of the affidavit filed by him in support of the writ petition, Gaddam Krishna (respondent No.3 herein) averred as under:

2. That late Gaddam Somaiah was the protected tenant of the lands bearing S.Nos. 204 to 209 and 215 to 219, total measuring Ac.107.31 gts. of Kuntloor, R/M Hayathnagar, District Ranga Reddy and whereas Sri V. Pulla Reddy was the Inamdar/land holder. The original land holder/Inamdar V. Pulla Reddy has filed the declaration C.C.No.E/180/75 U/s.8 (1) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act and he was declared as surplus land holder to an extent of 2.1818 standard holding. The Land Reforms Tribunal by order dt.22.6.1994 passed in C.C.No.E/180/75 has selected the lands in S.Nos.204, 208, 209, 214, 216, 220/1, 220/2, 220/3, 224, 225 & 2232 of Kuntloor Village for surrender and the declarant was directed to surrender the above lands. The … Rs. Of the protected tenant late G. Somaiah i.e. the writ petitioners herein have filed the Appeal L.R.A.No.267/94 before the Land Reforms Tribunal for deletion of Ac.107.31 gts. in S.Nos.204 to 209 and 215 to 219 as the said lands are held by them as protected tenants. The Appellate Tribunal by order dt.1.2.1995 has directed to delete an extent of Ac.107.31 gts. from surrender proceedings including Ac.54.24 gts. already ordered to be deleted by the surrender proceedings including Ac.54.24 gts. Already ordered to be deleted by the lower Tribunal. Pursuant to the same, the lower Tribunal by order

dt.19.6.1995 held that since the Appellate Tribunal directed to delete an extent of Ac.53.07 gts. equivalent to Ac.53.17 gts. from the surrender proceedings of late V. Pulla Reddy, the declarant was directed to furnish the list of alternate lands to an extent of Ac.53.17 gts. within (15) days from the date of receipt of the order of surrender.

3. That Smt.Vakiti Sathamma W/o.Late V. Pulla Reddy (original declarant) aggrieved by the order dt.1.2.1995 passed in L.P.A.No.267/94 by the Land Reforms Appellate Tribunal at Ranga Reddy and Medak at Hyderabad has filed the C.R.P.No.661 of 1996 in the Hon'ble High Court of A.P. The Hon'ble Mr.Justice Gopal Reddy vide the judgment dt.10.11.1999 has allowed the Civil Revision Petition No.661/96 and has held as under:

> "In view of the law laid down by this Court, there is no reason to delete the land from the surrender proceedings, which were surrendered by the petitioner and what all the law says is that the respondents 1 to 5 protected tenants will become the tenants of the Government and they are entitled to seek their tenancy rights against the Government after such surrender. In view of the same, the order passed by the Land Reforms Appellate Tribunal to delete the land from surrender proceedings is erroneous and is accordingly set aside.

His Lordship further held that:

> "It is, however, made clear that since the respondent Nos.1 to 5 herein, who are protected tenants of the land and their tenancy rights are not disturbed by the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and their right to entitle occupancy certificates, under the Telangana Inams Abolition Act, if any, if they are otherwise entitled to then can pursue the same before the appropriate forum and this order will not disentitle them from claiming any right either under Tenancy Act or under the Inam Abolition Act. In view of the same, the impugned order passed by the Land Reforms Appellate Tribunal in L.R.A.No.267/1994 dt.1.2.1995 is set aside and the order passed by the Lower Tribunal in C.C.No.F/1180/76 dt.22.6.1994 is restored."

In view of the above orders passed by the Hon'ble High Court of A.P., the writ petitioners herein are continuing their possession over the above mentioned lands total admeasuring Ac.107.31 gts. out of which the certificate u/s.38E was granted for an area admeasuring Ac.54.24 gts. and for remaining area admeasuring Ac.53.07 gts. they are continuing their possession as Protected Tenants.

4. Thus, the above mentioned lands are surrendered by the original Pattedar declarant under the provision of the A.P. Land Reforms (Ceiling on

Agricultural Holdings) Act in favour of the Government and the same being Inam Lands have vested in the State with effect from 20th July, 1955. Hence, the Govt. of A.P. has become the owner of the above mentioned lands and the writ petitioners herein continued their possession as Protected Tenants of the said lands. The possession of the writ petitioners and their father over the above mentioned lands is since prior to 1950 as tenants.

5. That some of the villagers viz., Jorkha Bikshapathi and others have filed Writ Petition No.9276/1995 against the Director of Survey & Settlement, Hyderabad, Additional Revenue Divisional Officer and the writ petitioners herein praying to issue a writ more particularly one in the nature of certiorari calling for the records in File No.B3/1402/B9, order dt.17.12.1995 passed by the 1st respondent and CCE/1180/75, order dt.22.6.94 passed by the 2nd respondent and quash the same as illegal and opposed to the principles of natural justice.

The writ petitioners in that writ petition had contended that protected tenancy of Late Gaddam Somaiah, the father of the writ petitioners herein, who were made respondent Nos.3 to 7 in that writ petition was terminated by the Tahsildar, East vide order dst.20.12.1965. Accordingly the possession was also taken by evicting him and the appeal and civil revision filed by him against the said termination order were dismissed. After evicting the protected tenant, the said land was given to the father of the 2nd petitioner and others for cultivation of the Inamdar, Late Gaddam Somaiah filed civil suits against the Inamdar for issue of perpetual injunction order but the same were dismissed. They also contended that the protected tenant i.e. the writ petitioners herein who were respondent Nos.3 to 7 in that writ petition have managed to get occupancy certificate u/s.7 of the A.P. (TA) Abolition of Inams Act and the same was the subject matter of appeal.

Respondent Nos.3 to 7 in the said writ petition who were writ petitioners in this writ petition have filed the counter contending that the writ petitioners therein have no locus standi and moreover they are in possession of the lands in question as protected tenants and they were not evicted by any authority. The lands in question being Inam lands have vested in the Government with effect from 20.7.1955 and they i.e. the writ petitioners herein are continuing their possession as protected tenants. They further contended that their father was the protected tenant of these lands and as it is false that the Tahsildar had terminated the tenancy on 20.12.1965 on the application of Late V. Pulla Reddy, the Inamdar for non-payment of the lease amount and they further contended that the Tahsildar has no jurisdiction to entertain such application. The Hon'ble Mr.Justice Ramesh Madhav Bapat, as he then was, vide order dt.20.12.1995 dismissed the writ petition and has held as under:

> "Considering the contentions and the rival contentions raised in this writ petition, this Court concludes that all the proceedings were

filed and entertained by the parties without understanding the legal consequences. The first mistake was committed by Mr.V. Pulla Reddy, who had filed a return of agricultural lands held by him including the Inam lands. The second mistake was committed by the revenue authorities declaring the land in dispute is a surplus land of Inamdar. Though the petitioners herein claimed that the surplus land was promised to be given to the petitioners, there is no documentary evidence on record to show that any such assignment was made in their favour. Every revenue official and the petitioners herein went on stating that the land continues to be the land of late Inamdar, which is not correct. One more mistake was committed by the revenue authorities by entertaining the petition filed by the Inamdar declaring the respondents 3 to 7 herein have committed default in payment of rent. As a matter of fact, after commencement of A.P. (T.A.) Inams Abolition Act, the land does not remain, the ownership of the Inamdar stands vested in the Government. When the respondents 3 to 7 continued to be in possession, they became protected tenants. If at all any default is committed by them in payment of rent, it was for the Government to take legal action against the father of the respondents 3 to 7 or against the respondents 3 to 7 herein."

His Lordship further held that:

> "It can further be seen that after lapse of 13 to 15 years, the petitioners herein started litigating with a hope of getting some portion of the land which was earlier Inam land. They filed the proceedings referred to above without any legal right. As a matter of fact, at the first instance, those proceedings ought to have been dismissed holding that the petitioners have no locus standi."

That the writ petitioners are in possession of the lands bearing S.Nos.204 to 209 and 215 to 219 total measuring Ac.107.31 gts. of Village Kuntloor, which includes Ac.54.24 gts. for which occupancy certificate was already issued in favour of the writ petitioner and they are in possession of the remaining area of Ac.53.07 gts. as protected tenants and the Government is the owner, as held in the order dt.10.11.99 passed in the C.R.P.No.661/96 by Hon'ble Mr.Justice A. Gopal Reddy.

5. That the writ petitioners herein who are in possession and enjoyment of the lands bearing S.Nos.204 measuring Ac.5.05 gts., 208 measuring Ac.18.11 gts., S.No.209 measuring Ac.19.31 gts. and S.No.216 measuring Ac.16.00 gts. total measuring Ac.53.07 gts. of Village Kuntloor have filed application dt.3.3.2004 in Form No.1 to the Revenue Divisional Officer, East Division, Ranga Reddy District for grant of occupancy rights in their favour

U/s. of A.P. (TA) Abolition of Inams Act. The Revenue Divisional Officer, East Division, Ranga Reddy District has called for the enquiry report from the office of the Mandal Revenue Officer, Hayathnagar Mandal. The Mandal Revenue Officer, Hayathnagar Mandal in his report has stated that the entire land is vacant and in S.No.216 to an exstent of Ac.4.20 gts. an old well, cattle shed is existing which is related to Gaddam Narasaiah and 4 others and he also reported that the entire land is in their occupation and possession since a long time by way of agriculture. He also requested to peruse the order passed by the Joint Collector, Ranga Reddy District in File No.F1/6909/97, dt.22.12.2001.

9. That the writ petitioners herein as per the order dt.10.11.1999 passed in C.R.P.No.661/96 by the Hon'ble Mr.Justice A. Gopal Reddy to the effect that:

> "In view of the law laid down by this Court, there is no reason to delete the land from the surrender proceedings which were surrendered by the petitioner and what all the law says is that the respondents 1 to 5 protected tenants will become the tenants of the Government and they are entitled to seek their tenancy rights against the government after such surrender. In view of the same, the order passed by the Land Reforms Appellate Tribunal to delete the land from surrender proceedings is erroneous and is accordingly set aside.
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> It is however made clear that since the respondent Nos.1 to 5 herein, who are protected tenants of the land and their tenancy rights are not disturbed by the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and their right to entitle occupancy certificates, under the Telangana Inams Abolition Act, if any, if they are otherwise entitled to they can pursue the same before the appropriate forum and this order will not disentitle them from claiming any right either under Tenancy Act or under the Inam Abolition Act. In view of the same, the impugned order passed by the Land Reforms Appellate Tribunal in L.R.A.No.267/1994 dt.1.2.1995 is set aside and the order passed by the Lower Tribunal in C.C.No.F/1180/75, dt.22.6.1994 is restored."

The writ petitioners herein are entitled to apply for occupancy certificate U/s.7 of the A.P. (TA) Abolition of Inams Act. Accordingly, the writ petitioners herein on 3.3.2004 have applied to respondent No.2 herein. The respondent No.2 herein ignoring the above mentioned findings given by the Joint Collector, Ranga Reddy District which are void and illegal and without jurisdiction has to dispose of the application filed by the petitioners herein and which is No.J/505/04.

10. The writ petitioners herein have filed the Case No.J/505/2004 pending

on the file of 2nd respondent herein declaring that the following findings of the Joint Collector, Ranga Reddy District in File No.F1/6906/A/97, dt.22.12.2001 are void, illegal and without jurisdiction.

"In view of the findings of the Hon'ble High Court in CRP No.661/96, dt.10.11.1999 the respondents 8 to 10 (Gaddam Narasimha & others, sons of Late Somaiah) (File No.F1/6906/97 are not entitled to any further relief as they have already been granted Occupancy Rights Certificate for an extent of Ac.54.24 gts. by the Revenue Divisional Officer, R.R. East Division in File No.L/3367/86, dt.21.6.1989 and they have neither filed any claim petition nor objection petition before the Lower Court/R.D.O. in respect of Sy.Nos.covered by the impugned orders but they got only impleaded as interested parties in the present appeal whereas before the Lower Tribunal they have filed claim petition for grant of O.R.C. in respect of Sy.Nos.216 and 220/1 only.

The Authorised Officer, Land Reforms, has also filed an appeal against the orders of the Revenue Divisional Officer, East Division, granting occupancy rights to an exstent of Ac.28.04 gts. in Sy.No.204 (Ac.5.05 gts.), 208 (Ac.18.11 gts.), 209 (Ac.42.28 gts.) in favour of Madugula Punnaiah vide Proc. No.E/387/75, dt.28.12.1979. The Revenue Divisional Officer has granted occupancy rights certificate on the basis of the deposition made by the declarant Sri V. Pulla Reddy before the then Spl. Tahsildar (Inams) on 30.1.1979 wherein V. Pulla Reddy admitted that Madugula Punnaiah was an ordinary tenant over the said land and he sold the above lands to Madugula Punnaiah in the year 1967 and subsequently a sale deed was executed in favour of Madugula Punnaiah in the year 1979. On verification of the Land Reforms Ceiling declaration file bearing No.E/1180/75, it is seen that the declarant Late Vakiti Pulla Reddy gave a deposition before the Land Reforms Tribunal on 29.7.1976 stating that he has sold an extent of Ac.55.47 cents in Sy.Nos.204, 205, 206, 207, 208, 210 and 211 in the year 1967. There is corroborative evidence to the effect that Madugula Punnaiah purchased the land to an extent of Ac.28.04 gts. from the declarant, Sri Vakiti Pulla Reddy prior to the enforcement of A.P. Land Reforms (COAH) Act, 1973 and the Revenue Records show that he was in possession prior to the year 1975. Therefore, I am of the view that the Revenue Divisional Officer has rightly granted occupancy rights certificate in favour of Madugula Punnaiah. The Land Reforms Tribunal/Revenue Divisional Officer, Hyderabad East vide his order dt.15.1.1983 in C.C.No.E/1180/75 has modified the orders dt.16.2.1982 and reverted the land bearing S.Nos.204 (Ac.5.05 gts.), 208 (Ac.18.11 gts.) and 209 (Ac.4.28 gts.) totally admeasuring Ac.28.04 gts. to the petitioner Sri M.Punnaiah. It appears that no

appeal has been filed by the Authorised Officer, Land Reforms, against the orders of Land Reforms Tribunal/RDO, dt.15.1.1983. The Authorised Officer, Land Reforms Tribunal is at liberty to file appeal before Land Reforms Appellate Tribunal against the order of Land Reforms Tribunal, dt.15.1.1983. Therefore, the appeal filed by the Authorised Officer, Land Reforms to this extent is dismissed."

During the pendency of the writ petition, an application was filed on behalf of the Board for its impleadment as party to the writ petition. Shri Keshavulu, Secretary of the Board, who filed affidavit in support of the application, averred that Shri Vakiti Pullaiah, who was the owner and pattedar of Ac.100-00 of land in Survey Nos.215 to 224 situated at Papaiguda, Kuntlur Revenue Village, Hayathnagar Mandal, Ranga Reddy District, donated the entire land by executing Danapatram (Relinquishment Deed) dated 23.1.1994 in favour of the Board in accordance with Rule 3 of "Shri Acharya Vinoba Bhave Sarvodaya Bhoo-Yagna, Hyderabad, Land Revenue Special Rules, 1951" and by virtue of the provisions contained in the Andhra Pradesh Bhoodan and Gramdan Act, 1965, the said land vests in the Board; that the Board is prepared to participate in "Rajeev Gruhakalpa Scheme" framed by the State Government; that an application was made to Deputy Collector-cum-Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District on 9.12.2005 for mutation of the land as "Kharij Khata Bhoodan"; that Writ Petition No.23913 of 2005 filed by the Board was disposed of by the learned Single Judge by directing Collector, Ranga Reddy District to pass appropriate order on the application after giving notice to the persons in possession and also to the persons whose names appear in the revenue records and that pursuant to the Court's direction, Joint Collector-II, Ranga Reddy District issued notice to the interested persons. Shri Keshavulu pleaded that decision of the writ petition filed by respondent Nos.1 to 5 would affect the Board's rights and, therefore, it was entitled to be impleaded as party.

The learned Single Judge declined the appellant's prayer for

impleadment as party by observing that it was not a party either before the preliminary authority or before the appellate authority, who had decided the case under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short, 'the 1973 Act'). The learned Single Judge noted that Vakiti Pullaiah, who is said to have donated the land, did not mention about the same in the proceedings arising under the 1973 Act and his wife did not disclose this fact before the authorities constituted under Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, and held that the appellant was not entitled to be impleaded as party to the writ petition.

Learned counsel for the appellant conceded that his client was not a party in the original or appellate proceedings held under the 1973 Act and no mention of the Dhanapatram was made by Vakiti Pullaiah. He, however, submitted that the Board should be allowed to be impleaded as party because if the writ petition is allowed, the interest of the Board will be adversely affected.

We have considered the submissions of the learned counsel, but have not felt impressed. In our opinion, the learned Single Judge did not commit any error by refusing to entertain the appellant's prayer for impleadment as party to the writ petition because it does not have any lis with the writ petitioners and result of the writ petition is not going to affect its right or interest. The appellant has not disputed that it was not a party to the original or appellate proceedings held under the 1973 Act. Therefore, we do not find any valid ground or justification to interfere with the discretion exercised by the learned Single Judge.

In the result, the appeal is dismissed.

G.S.SINGHVI, CJ

19th June, 2007

C.V.NAGARJUNA REDDY, J

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